

court from this evening till Monday next, which was
lost 19 to 28

Press be admitted to the floor, but the Chief Justice decided that it was not now in order.

in long hand. The synoptical portion as taken down, was again reduced for publication; in making up my

The Chief Justice ruled that the witness might refer to a newspaper copy if he knew it to be correct. The witness proceeded and read extracts narrating the interruptions which enabled him to write out portions of what the President said, verbatim.

Cross-examined—I took down what the crowd said, and at the same time caught up with my report of what the President said. The accounts of the inter-

ruptions which I have just given, were all by me from the paper before me.

D. C. McErvin, short-hand reporter, testified—I accompanied the President's party as reporter for the World. The witness produced a stenographical report of the evening speech, and also a copy of an extemporaneous transcript of the report written out and handed over to the Agent of the Associated Press. The witness put down a portion of the interruptions. It was impossible to get all. There was a great deal of noise and confusion. I think there were expressions of ill feeling or temper on the part of the crowd. The President was very excited. The crowd said: "Don't get mad, Andy."

Mr. Butler. Did he appear considerably excited then?

Mr. Evans. That is not a part of the present inquiry.

Mr. Butler—The investigation desired has there was a scandalous and disgraceful scene. The conditions being that the counsel for the President claim freedom of speech, they are claiming freedom of speech. We are trying to show the inadequacy of the occasion.

The right of free speech in this country to secure liberty to speak properly and discretely. I regard freedom of speech in this country as freedom of the private citizen to say anything in a decent manner.

Mr. Evans—Yes, it is the same thing, and who is to judge of the decency?

Mr. Butler—The Court before which a man is tried for breaking the laws.

Mr. Evans—Did you ever hear of a man being tried for freedom of speech?

Mr. Butler—No; but I saw two or three who ought to have been. (Laughter.)

Mr. Butler repeated the question to the witness, who continued—

I could not see the President. I only heard the tone of his voice. He seemed excited. I do not know what his manner is from personal acquaintance, whether he is angry.

In cross-examination the witness said: "I did not report the whole of the speech. I left before it ended. Besides certain sentences were broken off by interruptions of the crowd. I only took the principal ex-

Edwin B. Stark was examined by Mr. Butler—Was formerly a short-hand reporter; reported the speech of the President at Cleveland, on the night of the 3d of September, 1866, for the Cleveland Herald, in a short-hand; it was published; the notes are now in his possession; writes them over, throws into short-hand

A copy of the paper was produced for the witness. In some places the substance is given instead of the literal words. Witness read from a part of the report just what Johnson said—"Where is the man living, or the woman, in the community, whom I have wronged, or where is the person who can place the finger on one single pledge that I have violated, or on

What tongue does he speak? What religion does he profess? Let him come forward, and put his fingers upon one pledge I have violated."

Witness continued.—There were then interruptions, and various remarks were made of which I have not noted one; because it was the only one Mr. Johnson paid any attention; that would—(voice) "Honor Jeff Davis." "Yes," said the witness—"Honor Jeff Davis." "Honor Jeff Davis." Why don't you?" There were then further applause and interruptions, and the President went over to the door.

"Have you not the card? Have you not got the Georgia? Here you will not get the Ayer's or General

There were then some interruptions and applause and he said "I am not the prosecuting attorney, I am not the jury, but I will tell you what I did do. I called on your Congress, which is trying to break up the Government." Here there were interruptions and confusion, and there may have been words uttered by the President which I did not hear, but I think not.

Witness commencing a little before where the specification commences, he says, "In bidding you farewell here to-night, I would ask you, with all the pains the Congress has taken to calumniate and malign me, what has Congress done? Has it done anything to relieve

the union of the States, but on the contrary has not done everything to prevent it, and because I stand now as I did when the rebellion commenced, I have been denounced as a traitor, my countrymen, here to night. Who has suffered more than I? Who has run greater risks than I? Who borne more than I? But Congress, factious, domineering, tyrannical Congress has undertaken to poison the minds of American people and create a feeling against me."

So far were Mr. Johnson's words, and witness completed the sentence in this fashion:

"In consequence of the manner in which I have distributed the public patronage."

These were not Mr. Johnson's words, but a condemnation in a summary way. The reasons which he gave at that point for the malproving.

Mr. Evans to Mr. Butler—Do you propose to put them all in?

Mr. Butler. We do. I observe in the answer of the President that objection is made that we did not put in all he said, and I mean to give all.

Witness cross examined by Mr. Evans—said in determining what part to give in full and what part condensed, he was perhaps influenced somewhat by what he considered would be a little more spicy or interesting to the reader.

Mr. Evans. "In what interest, of the President or

Witness.—"I do not know that."
Mr. Evans.—"On which side were you?"
Witness.—"I was opposed to the President."
Mr. Evans.—"But you did not know where you
thought the interest was when you selected the speakers?"
Witness.—"I was very careful in all those parts in
which there was considerable excitement and interest."

Mr. Evans.—"The part in which the crowd was most interested you took down carefully."
Witness.—"Yes."
Mr. Evans.—"And the part in which the crowd seemed to have the most interest was the part in which they made the most outcry?"
Witness.—"Yes."

Mr. EVARTS:—"Are you able to say there is a substantial expression in that part of your report given substantially which was used by the President, so that they are the words as they fell from his lips?"

Witness:—"No, sir."

Mr. EVARTS:—"We object to this report as no report of the President's speech."

Mr. Butler asked what were the politics of the





